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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,241	09/11/2003	Oliver Lerch	P-US-PR 1082	5331
7590	01/24/2005			EXAMINER TSUKERMAN, LARISA Z
Michael P. Leary Black & Decker Corporation Mail Stop TW199 701 E. Joppa Rd Towson, MD 21286			ART UNIT 2833	PAPER NUMBER
			DATE MAILED: 01/24/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/660,241	LERCH, OLIVER
	Examiner	Art Unit
	Larisa Z Tsukerman	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 19 November 2004.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 17 is/are rejected.
- 7) Claim(s) 4-16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hahn (5847541).

**In regard to claim 1**, Hahn discloses an electrical extension lead, comprising an electrical cable 92 having a first end (not marked, area where the cable attach to wall 82) and a second end (not marked, see Col. 5, lines 44-47), having the first end connected to a plug socket arrangement 88 for supplying electricity to electrical devices 90, and with the second end connected to an electrical plug (not shown) for connection to electrical supply sources (see Col. 5, lines 44-47), characterized in that a battery pack charging assembly 80 is also connected to the first end of the cable (see Fig. 6), which charging assembly 80 is suitable for charging battery packs for powering electrical devices.

**In regard to claim 2**, Hahn discloses the plug socket arrangement 88 and the battery pack charging assembly 80 are co-located.

**In regard to claim 3**, Hahn discloses the plug socket arrangement and the battery pack charging assembly 80 are mounted within a common housing arrangement 82.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Liao (6589069).

**In regard to claim 1**, Liao discloses an electrical extension lead, comprising an electrical cable 14 having a first end (not marked, the end near number 23) and a second end (not marked, the end near number 24), having the first end connected to a plug socket arrangement 23 for supplying electricity to electrical devices 60/80, and with the second end **connected to** an electrical plug 13/ or 70 for connection to electrical supply sources (see Col.3, lines 10-13), characterized in that a battery pack charging assembly 10 (also see a title) is also connected (**electrically and mechanically**) to the first end of the cable, which charging assembly 10 is suitable for charging battery packs (not shown, located inside the phone body) for powering electrical devices 60/ or 80.

**In regard to claim 2**, Liao discloses the plug socket arrangement 13 and the battery pack charging assembly 10 are co-located (see Fig. 5).

Claims 1 – 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Krieger (5982138).

**In regard to claim 1**, Krieger discloses an electrical extension lead, comprising: an electrical cable 38/36,34 having a first end (not marked, area 34) and a second end (not marked, area 36), having the first end connected to a plug socket arrangement 56 for supplying electricity to electrical devices kk, and with the second end connected to an electrical plug 36 for connection to electrical supply sources (see Col.4, lines 56-59), characterized in that a battery pack charging assembly (not shown, see Col.3, lines 34-

36) is also connected (**electrically**) to the first end of the cable, which charging assembly bb is suitable for charging battery packs for powering electrical devices.

**In regard to claim 2**, the plug socket arrangement and the battery pack charging assembly are co-located.

**In regard to claim 3**, Krieger discloses the plug socket arrangement 56 and the battery pack charging assembly (not shown, see Col.3, lines 34-36) are mounted within a common housing arrangement.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao (6589069).

**In regard to claim 17**, Liao discloses most of the claim invention except the electrical supply source is a **mains supply source** or a **fuel powered generator** supply source, it has been held that a recitation with respect to the manner or method in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. See *Ex parte Wikdahl*, 10 USPQ2d 1546, 1548 (Bd. Pat. App. & Inter. 1989); *Ex parte Masham*, 2 USPQ2d 1647, 1648 (Bd. Pat. App. & Inter. 1987); *In re Casey*, 370 F.2d 576, 152 USPQ 235, 238 (CCPA 1967); see also M.P.E.P. § 2111.02. A process or

environment of use limitation in an apparatus claim will not patentably distinguish the claim from the prior art unless it somehow imposes a structural limitation.

"Intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art." M.P.E.P. § 2111.02 (citing *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963)).

### ***Allowable Subject Matter***

Claims 4 - 6 and 7 - 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed 11/19/2004 have been fully considered but they are not persuasive.

**In response to** Applicant's arguments regarding claim 1 on page 7 that "the plug socket arrangement 13 does not supply electricity to electrical device 50 and... a battery pack charging assembly 70 is dry battery", Examiner apologize for erroneously used numerals and refer Applicant to the patent itself.

**In response to** Applicant's arguments on pages 7 - 8 that "In contrast Claim 1 requires only a single power source, an electrical extension lead . . with the second end connected to an electrical plug for connection to electrical supply sources..., but it also requires two outputs", Examiner disagrees. Applicant does not positively claim power sources, battery packs and electronic devices; also "two outputs" is not part of the claim.

Further, a battery charging assembly 10 is suitable for charging **battery pack** located in the **telephone body** 60.

In response to Applicant's arguments regarding claim 1 (Krieger reference) on page 9 that "jump start system 10 is not connected to the first end of the cable 38", examiner disagrees. Examiner considers that the battery pack charging assembly electrically and not directly mechanically **connected** to the first end (34) of the cable (via cable).

Also, it is a mistake in the last two lines on page 8 of remarks, it should be Krieger not Liao.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larisa Z Tsukerman whose telephone number is (571)-

272-2015. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on (571)-272-2800 ex. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT, 01/18/05

*moderate*  
THO D. TA  
PRIMARY EXAMINER